



**BOARD FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

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**Minutes
Board Meeting
Thursday, July 22 and Friday, July 23, 1999
Board for Professional Engineers and Land Surveyors
Doubletree San Francisco Airport
835 Airport Boulevard
Burlingame, California**

Thursday, July 22, 1999

- 1. INCOMING BOARD PRESIDENT TAKES OFFICE** – Former President Powell handed the gavel over to incoming President Shambeck. President Shambeck presented Ms. Powell with a Proclamation for her hard work, dedication, and leadership in serving as President of the Board and thanked her for the significant contributions she has made.
- 2. ROLL CALL TO ESTABLISH QUORUM**
The meeting was called to order by President Shambeck at 2:45 p.m. Roll call was taken, and a quorum was present.

Board Members Present: George Shambeck (President), Kathy Hoffman (Vice-President), Gregg Brandow, David Chen, Vincent DiTomaso, Ted Fairfield, James W. Foley Jr., Andrew Hopwood, Steve Lazarian, Marilyn Lyon, Myrna Powell, Millicent Safran, Quang Vu

Board Members Absent: none

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Legal Counsel), Kevin A. Schunke (Special Assistant to the Executive Officer), Nancy Eissler (Attorney General Liaison Analyst), Jacqueline Barclay (Executive Analyst)

Public Present: See Attached

- 3. PUBLIC COMMENT**
President Shambeck asked for public comment. There was no public comment.
- 4. CLOSED SESSION**
The Board went into Closed Session.

The meeting was recessed at 4:30 p.m. after Closed Session.

Friday, July 23, 1999

2. Roll Call to Establish a Quorum

The Meeting was reconvened and called to order by President Shambeck at 9:00 a.m. Roll call was taken, and a quorum was present.

Board Members Present: George Shambeck (President), Kathy Hoffman (Vice-President), Gregg Brandow, David Chen, Vincent DiTomaso, Ted Fairfield, James W. Foley Jr., Marilyn Lyon, Myrna Powell, Millicent Safran, Quang Vu.

Andy Hopwood and Steve Lazarian joined the meeting at 9:05 a.m.

Board Members Absent: None

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke, (Legal Counsel), Susan Ruff, (Legal Counsel), Kevin A. Schunke (Special Assistant to the Executive Officer), Nancy Eissler (Attorney General Liaison Analyst), Jacqueline Barclay (Executive Analyst)

Public Present: See attached

3. PUBLIC COMMENT

President Shambeck asked for public comment. There was no public comment.

4. CLOSED SESSION

The Board went into Closed Session.

5. OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

The Board discussed the project summary report on the 1997 Professional Land Surveyor examination and looked at the Washington State Structural Engineering examination.

The Board approved the recommendations of the Enforcement Committee to non-adopt the proposed decision in the matter of Tiit Veske; adopt the default decision in the matter of Walid Hneiti; and adopt the proposed stipulation in the matter of Clifford Brown.

The Board will issue a decision after the non-adoption in the matter of John Kaldawi.

The Board adopted the passing scores (cutscores) for the following April 1999 examinations:

<u>Examination</u>	<u>Cutscore</u>	<u>Possible Points</u>
Seismic Principles	155	282
Engineering Surveying	164	300
NCEES Civil	48	80
Chemical	48	80
Electrical	48	80
Mechanical	48	80
Land Surveying	625	996

The Board approved the results of the appeals of the October 1998 NCEES Professional Engineering Examinations.

The Board approved the licensure of the candidates who had previously passed the 8-hour section of the examinations. Licensure for those candidates was not authorized prior to this date because they had not returned their take-home examinations. Candidates were notified of the deficiency and have since returned and passed their take-home examinations.

The Board discussed pending litigation as noticed.

6. APPROVAL OF CONSENT ITEMS

MOTION: Mr. Hopwood/Mr. Vu moved to approve the minutes of the June 3 and 4, 1999 Board meeting; the Three and/or Five Year Delinquent applications; and the Examination Procedures and Results considered in Closed Session,

VOTE: 13-0, Motion carried.

7. COMITY AND TEMPORARY AUTHORIZATION APPLICATIONS

MOTION : Ms.Powell/Mr. Hopwood moved to approve the applicants for licensure by Comity as provided on pages 27-29 of the agenda.

VOTE: 13-0, motion carried

8. BOARD POLICY RESOLUTIONS

Legal Opinion by Susan Ruff, Liaison, Deputy Attorney General

Ms. Ruff briefed the Board on her legal opinion as included in the agenda packet:

There are several alternatives to Board Policy Resolutions. They are as follows:

- ✓ Promulgate a formal regulation to cover each Board Policy Resolution (BPR).
- ✓ Continue to support AB 486 – current version of this bill allows for “advisory interpretations” in addition to regulations. Advisory interpretations could be

used to inform the industry of the Board's interpretation of a law, but there would be no "force of law."

- ✓ Under the Administrative Procedures Act (APA), the Board could encourage members of the public and members in the industry to seek "declaratory decisions." This would provide a procedure where someone with a question about the law, given a particular factual situation, requests a declaratory decision, as long as the facts are not disputed. The Board would then be permitted to make an advisory opinion. Ms. Ruff stated that this opinion would be binding only on the parties that make the request. The Board can follow another provision under the APA, which would allow them to use the "declaratory decision" as a precedent. The Board could declare all or parts as precedent. The "declaratory decision" is not binding, but can provide guidance to the industry.

Mr. Fairfield asked Ms. Ruff if there is a formal administrative process for "declaratory decisions" through the Office of Administrative Law (OAL). Ms. Ruff stated that there is no formal process through OAL, and that "declaratory decisions" are administrative decisions under a special administrative procedure.

Mr. Fairfield asked if all the BPRs are considered "underground regulations." Ms. Ruff stated that she has not reviewed each of the BPRs individually, but could do so at the request of the Board. She also stated that there are certain areas of the law that need a regulation to better define a statute, keeping in mind that a regulation can be determined by the courts to be outside the Board's scope of responsibility.

The Board directed staff to review all BPRs, identifying which BPRs should be a regulation, declaratory decisions, or if AB 486 passes, an advisory interpretation.

Ms. Ruff stated that if the Board wants a "legal effect" or "judicial deference" it should categorize those as a statute or regulation.

MOTION: Mr. Lazarian/Mr. Hopwood moved to adopt that Board Policy Resolutions are not to be solely relied upon, and a disclaimer should be written on the Board's website stating the above; and directs staff with advice from legal counsel to review each BPR and recommend action to the Board.

VOTE: 13-0, Motion carried

9. APPROVAL AND ADOPTION OF AMENDMENTS TO BOARD RULES

- a. Board Rule 424.5 (Delinquent Reinstatement Requirements)
Ms. Eissler advised the Board that no comments had been received on the proposed amendments to Board Rule 424.5 regarding delinquent reinstatement requirements. She explained that the Board now needs to adopt the language and direct staff to submit the rulemaking file to the Department of Consumer Affairs (DCA) and the Office of Administrative Law (OAL) for review and approval.

MOTION: Mr. Vu/Ms. Safran moved to adopt the language of Board Rule 424.5 as noticed on May 21, 1999, as the final language to be submitted to the Director of DCA and OAL for review, approval, and filing with the Secretary of State.

Mr. Fairfield expressed concerns with the language in subdivision (a)(1); he believes it implies that a person can apply in some other branch and does not require the person to be qualified at the time of the application. He believes the section should read “submits evidence satisfactory to the Board that the applicant has remained qualified in branch in which he or she was initially licensed.”

Ms. Eissler advised the Board that subdivision (b) needs to have language added to refer to the title authority examinations for structural engineers and geotechnical engineers; it currently refers only to the second-division examinations, which does not include the title authority examinations. Mr. Duke advised the Board that changes to the language such as those suggested by Mr. Fairfield and Ms. Eissler would require the language to be noticed for an additional 15-day comment period.

MOTION: Mr. Fairfield/Mr. Lazarian moved to amend the original motion to include the language proposed by Mr. Fairfield in subdivision (a)(1) and by Ms. Eissler in subdivision (b).

Mr. Brandow indicated that he believes the concern of the Board should be whether or not the delinquent applicant is qualified at the time of reinstatement, not whether the applicant has always been qualified. Mr. Fairfield advised that he would accept language that would say, “is still qualified.” Mr. Duke advised that the statutes regarding delinquent reinstatement use the phrase “is qualified” indicating that the person must be qualified at the time of reinstatement. Mr. Fairfield stated that he is concerned that the Board cannot determine that the applicant is qualified if the applicant is not required to take the examination. Ms. Hoffman indicated that the phrase “has remained qualified” could be problematic for applicants who have either left the profession for a period of time or then returned to it. Mr. Duke advised the Board that the statutes say that the applicants must take the examination as if applying for the first time or otherwise establish that they are qualified in the branch in which he or she seeks reinstatement; therefore, the statute addresses the issue of having to apply in the same branch.

VOTE: 2-11; Mr. Fairfield and Mr. Lazarian voted “aye.” Motion to amend original motion failed.

Mr. Vu and Ms. Safran then amended their original motion, as follows:

AMENDED MOTION: Mr. Vu/Ms. Safran moved to include the language regarding the title authority examinations in subdivision (b) and to direct staff to notice the amended language for a 15-day comment period; if no comments are received which would cause changes to the language, then language will be deemed adopted by the Board and staff is directed to submit the rulemaking file to

DCA and OAL.

VOTE: 13-0, Motion carried.

b. Board Rule 472-473.4 (Citation Program Amendments)

Ms. Eissler advised the Board that no comments had been received regarding the proposed amendments to Board Rules 472-473.4, the Citation Program. She explained that staff noticed minor clerical errors, which need to be corrected before the final language is submitted for review and approval; however, these corrections would not require another noticed comment period. These corrections are described in the staff report in the agenda packet. Ms. Eissler advised that the Board needs to adopt the final language with the corrections as indicated and direct staff to submit it to DCA and OAL for review and approval.

MOTION: Mr. Hopwood/Mr. DiTomaso moved to adopt the language of Board Rules 472-473.4 as the final language to be submitted to the Director of the Department of Consumer Affairs and the Office of Administrative Law for review, approval, and filing with the Secretary of State.

VOTE: 13-0, Motion carried.

c. Board Rule 411 (Seal and Signature)

Ms. Eissler presented the information contained in the Board agenda packet regarding the comments received on the proposed amendments to Board Rule 411. She advised the Board that one comment suggested that the word “visually” be added regarding the seal reproducibility. She also advised the Board that staff has noticed some minor/clerical changes which should be made before the final language is submitted; these changes would not require additional noticed comment periods. Ms. Eissler advised the Board that comments have been received regarding the use of electronic signatures. The comments are split about 50/50 for and against the usage. Some individuals have commented that electronic signatures should not be allowed, but that a statement should be allowed in lieu of the signature with a wet signature maintained on the original. Ms. Eissler pointed out that the language as noticed in May prohibits the use of electronic signatures but allows for the use of electronic seals. She advised the Board that she, Kathy Hoffman, and Vince DiTomaso attended a meeting at CalTrans regarding its usage of electronic seals and signatures.

Ms. Hoffman pointed out that the new statutes and regulations regarding the use of digital signatures require that they be “capable of being verified.” She questioned rather this is a consideration if the signature is done manually; if it is not, then maybe it should not be when it is done electronically. She stressed that the use of electronic signatures on reports needs to be considered, not just their use on CAD drawings. She explained that she believes the use of electronic signatures internally is not a problem, but their use externally could be problematic.

Mr. DiTomaso stated that the trend now is to use electronic signatures, especially

since work is being performed more often in remote locations; it can be a burden to have to apply the wet signature. He also stressed that he does not want to open the door to the illegal use of electronic signatures. He believes that the Board should require that all signatures have a date adjacent to the signature indicating when the work was done. He also believes that the Board should place the responsibility for the security and usage of electronic signatures with the licensee. He stated that the Board needs to face the fact that electronic signatures will be used.

Mr. Brandow pointed out that Florida has recently adopted regulations, which refer to new federal requirements for digital signatures.

Ms. Hoffman explained that digital signatures and electronic signatures are not the same thing. Digital signatures are only available through the computer; they cannot be printed out on a hard copy. Electronic signatures include signatures that are printed out on the hard copy, such as someone scanning his signature into the computer or putting it in a CAD file.

Mr. Foley pointed out that if the Board were just trying to prevent fraudulent usage, it would be very difficult. He explained that the City of San Jose stores data electronically, which can then be copied later. He believes the emphasis should be on the ownership/control of the documents and the responsibility for the work.

Mr. Fairfield suggested that the use of electronic seals and signatures might be acceptable only if the wet signature was applied to the original. The professional would be required to prepare a hard copy with a wet signature but could apply the signature electronically to copies. Mr. Fairfield also pointed out that the Professional Engineers Act says that an engineer is not responsible for changes made without his knowledge after he has completed his work, but it is very hard to prove one way or the other.

Ms. Hoffman pointed out that there are no requirements in the Board laws and rules regarding how long professionals must keep their plans, maps, and other documents. Therefore, she believes it would be difficult to require them to maintain an original with a wet signature.

Mr. DiTomaso expressed his concern that the Board could end up with an encyclopedia-sized regulation addressing when and how electronic signatures can and cannot be used. He believes the regulation should just say that the licensee is responsible for the use of his signature if it is done electronically.

Mr. Lazarian expressed his concern that there would be opportunity for manipulation. He suggested that maybe the Board should just leave it alone for now. Mr. Shambeck agreed with this suggestion.

Bob Buckley, Chief Design Engineer, from the California Department of Transportation (CalTrans), was invited to address the Board regarding this subject. Mr. Buckley explained that CalTrans has completed about 10,000 specifications and contracts over the last 10 years using electronic seals and signatures and there

has never been a violation of their use. He explained that CalTrans maintains a file with a wet signature on a form outlining what the electronic signature may be used on. He requested that the Board delay action on any new language so that CalTrans can research the fiscal impact. In response to Mr. Fairfield's inquiry, Mr. Buckley advised that outside consultants have to provide their seal and signature electronically, just like CalTrans employees. Ms. Hoffman clarified that CalTrans does not issue the electronic files for bidding purpose and that when the plans are turned over to the maintenance division, the signature is removed. Mr. Buckley agreed and advised that CalTrans is looking into using an electronic process for issuing bids, but this would not occur for a few more years.

Rich Ray, representing the California Land Surveyors Association (CLSA), stated that having to sign the final document at the very end puts a lot of responsibility on the professional. He is concerned that professionals are getting farther away from their projects. He believes it is acceptable to use an electronic seal but actually having to sign the documents with a wet signature is very important.

MOTION: Ms. Powell/Mr. Lazarian moved to adopt the proposed language for Board Rule 411 as noticed on May 4, 1999, with the following modifications:

1. In subdivision (a), add the numerical representation "1 ½" so that it reads "one and one-half (1 ½) inches";
2. Move subdivision (f) so that it becomes subdivision (d) and add the word "visually" so that it reads "the seal image shall be capable of being visually reproduced";
3. Move subdivision (d) so that it becomes subdivision (e);
4. Move subdivision (e) so that it becomes subdivision (f) and change the word "work" to "documents" so that the second sentence reads "when signing and sealing documents on which two or more licensees have worked, the signature and seal of each licensee shall be placed on the documents with a notation describing the work done under each licensee's responsible charge."

Mr. Duke advised that all of these changes would be considered clerical and non-substantive and, therefore, would not require additional noticed comment periods.

Richard Markuson, representing the Consulting Engineers and Land Surveyors of California (CELSOC) questioned whether the language as proposed to be adopted would mean that CalTrans could no longer use electronic signatures. If it would, then he recommends that the Board not adopt the language.

Ms. Hoffman advised that she believes the Board is really underestimating the impact prohibiting electronic signatures might have. She believes the regulation needs to say when such signatures can and cannot be used. She believes they should be allowed for internal usage.

Mr. DiTomaso stated that he believes it will generate more problems if the Board adopts language with prohibits the use of electronic signatures.

Ms. Christenson advised the Board that some local agencies are beginning to use

the SMART Permit program in which everything required to obtain a building permit is submitted electronically; a digital signature, which is then verified electronically, is used on the documents.

Ms. Powell and Mr. Lazarian then withdrew their original motion and made the following motion instead:

MOTION: Ms. Powell/Mr. Lazarian moved that the Board adopt the proposed language for Board Rule 411 as noticed on May 4, 1999, with the following modifications:

1. In subdivision (a), add the numerical representation "1 ½" so that it reads "one and one-half (1 ½) inches";
2. Move subdivision (f) so that it becomes subdivision (d) and add the word "visually" so that it reads "the seal image shall be capable of being visually reproduced";
3. Move subdivision (d) so that it becomes subdivision (e);
4. Move subdivision (e) so that it becomes subdivision (f) and change the word "work" to "documents" so that the second sentence reads "when signing and sealing documents on which two or more licensees have worked, the signature and seal of each licensee shall be placed on the documents with a notation describing the work done under each licensee's responsible charge."
5. **Delete subdivision (g) and any other references to prohibiting or allowing the use of electronically-generated signatures.**

In addition, staff is directed to do more research on the signature issue.

VOTE: 11-1-1; Ms. Hoffman voted "nay"; Ms. Safran abstained from the vote.

Ms. Eissler advised that she needs to review the wording in the original Notice with Mr. Duke in order to determine if the deletion of the electronic signature section can be done under this Notice or if this Notice will need to be withdrawn and a new Notice prepared. If a new Notice is required, a 45-day comment period will be provided; otherwise, there will be a 15-day comment period. She will advise the Board at its September meeting which way this must be done.

Mr. Fairfield requested that the Board's attorneys review the language used in Section 6735 that says "shall be signed by him or her." He believes this means that signing the documents must be an overt personal act, which would preclude electronically-generated signatures.

10. **TECHNICAL ADVISORY COMMITTEE REPORTS (TAC)**

- a. Land Surveying (LS)
 1. July 22 Committee Meeting (no report given)
 2. LSTAC 1999-2000 Work Plan/Budget

MOTION: Mr. Vu/Ms. Safran moved to approve for the Fiscal Year 99/00 Work Plan and Budget for the Land Surveying Technical Advisory Committee (LSTAC).

VOTE: 13-0, motion carried

3. LSTAC Appointments

MOTION: Mr. Lazarian/Ms. Safran moved to approve Mr. Dan C. Moye, P.L.S. and Mr. Richard P. Ray, P.L.S. for appointment to the Land Surveying Technical Advisory Committee (LSTAC) for a two year term.

VOTE: 13-0, motion carried

- b. Civil/Geotechnical Engineering (CE/GE)
Mr. Foley reported on the May 19, 1999, Committee Meeting
1. CE/GE 1999-2000 Work Plan/Budget
 2. CE/GETAC Appointments

MOTION: Mr. Fairfield/Mr. Foley moved to approve for the Fiscal Year 99/00 Work Plan and Budget for the Civil Engineering Technical Advisory Committee (CETAC) and to approve Mr. Webster J. Owen and Mr. Jay Elbetar for appointment to the Civil Engineering Technical Advisory Committee (CETAC) for a two year term.

VOTE: 13-0, motion carried

MOTION: Mr. Foley/Mr. Lazarian moved to approve for the Fiscal Year 99/00 Work Plan and Budget for the Geotechnical Engineering Technical Advisory Committee (GETAC) and to approve Mr. John Moossazadeh and Mr. Anthony R. Dover for appointment to the Geotechnical Engineering Technical Advisory Committee (GETAC) for a two year term.

VOTE: 13-0, motion carried

- c. Electrical Engineering (EE)
1. EETAC Work/Plan Budget

MOTION: Mr. DiTomaso/Mr. Fairfield moved to approve the Fiscal Year 99/00 Work Plan and Budget for the Electrical Engineering Technical Advisory Committee (EETAC).

VOTE: 13-0, motion carried

- d. Mechanical Engineering (ME)
1. July 22 Committee Meeting (no report given)
 2. Authorization to Proceed with Mechanical Engineering Definition Revision Process.

Mr. Vu requested approval from the Board for the METAC to proceed with their efforts to re-define Mechanical Engineering.

Mr. Fairfield stated that he believes “engineering aspects” should be added to the proposed definition.

Ms. Powell stated that the Board was directed by the Sunset Committee not to proceed with changes to current definitions. Ms. Christenson expressed her overall concern that someone may take language that has not been approved and establish it as a statute and then the Board would have a statute that was inappropriate for a specific definition.

Mr. Lazarian suggested that the letter to professional societies requesting input regarding the definition of Mechanical Engineering be more preliminary and investigatory.

Mr. Vu agreed to make changes to the letter and present it for review at the September 16, and 17, 1999 Board Meeting.

3. METAC 99/00 WorkPlan/Budget

MOTION: Mr. Fairfield/Mr. Hopwood moved to approve the Fiscal Year 99/00 Work Plan and Budget for the Mechanical Engineering Technical Advisory Committee (METAC).

VOTE: 13-0, motion carried

- e. Structural Engineering (SE)
 - 1. July 22 Committee Meeting (no report given)
 - 2. SETAC 99/00 Work Plan/Budget
 - 6. SETAC Appointments

MOTION: Mr. Brandow/Mr. Hopwood moved to approve for the Fiscal Year 99/00 Work Plan and Budget for the Structural Engineering Technical Advisory Committee (SETAC) and to approve Mr. Eugene Cole for re-appointment to the Structural Engineering Technical Advisory Committee (SETAC) for a two year term.

VOTE: 13-0, motion carried

3. Article on Temporary and/or Fixed Structures

Mr. Brandow reported on an article that he would recommend placing in the Board's Newsletter and/or providing to Building Officials.

Ms. Christenson indicated she was concerned with the article because of the recent issues involving Board Policy Resolutions. It was explained, that is normal procedure for any article, and it will be reviewed by the Executive Officer, Gary Duke, and the Department prior to being published in the Board's Newsletter.

- 4. Draft Language of Definition of “Periodic Observation” - Board Rule 404(hh).

Mr. Brandow stated that input from all TACs was incorporated in the draft language of Board Rule 404 (hh).

Mr. Duke stated that no where in the Professional Engineers Act is the phrase "periodic observation" used. An argument could be raised by OAL that the Board is attempting to interpret the building code and is exceeding its authority.

Mr. Lazarian suggested the following revision:

"Supervision of Construction" as defined in Section 6703.1 includes "Periodic Observation" and means the periodic observation of materials and completed work to determine general compliance with plans, specifications, and design and planning concepts with respect to civil, electrical, and mechanical engineering works and systems (new construction, alterations to, seismic strengthening of existing structures and fixed works.)

MOTION: Mr. Vu/Mr. Lazarian moved to approve the above revised language for Board Rule 404 (hh).

VOTE: 13-0, motion carried

5. Concept of Interview Requirements for SE Applicant References

Mr. Brandow reported on this item.

The item will go to the Examinations/Qualifications Committee to review the concept and the number of shortages of references for structural engineering applicants.

11. Liaison Reports

a. ABET

Mr. Schunke reported that the Board has not been notified of the dates for ABET visits this fall.

b. NCEES

1. 1999 NCEES Annual Meeting

A. Governance Report

Ms. Powell reported on the Council Governance Report. NCEES hired a professional parliamentarian to shepherd through proposed changes. Ms. Powell reported on the following items:

- Nominating Committee – selection process for members of the committee; selection process of nominees; nominations from the floor during Annual Meeting
- Rotation of Office of President – it is recommended that this rotation be ceased

- Change of structure of Board – position of Treasurer is being eliminated; President-Elect will become CFO; addition of 3 Vice-Presidents-at-Large
- Changes in committee structures – many committees are being eliminated; one committee is being added; special committees
- Concept of one vote for each state

MOTION: Ms. Powell/Ms. Lyon moved to approve Board President Shambeck to vote on behalf on the Board at the NCEES Annual meeting.

VOTE: 13-0, motion carried

B. Model Law

President Shambeck reported that NCEES is proposing a Model Law change for the Land Surveying discipline. President Shambeck stated that he has concerns about the recommended changes. Furthermore, he stated the proposal does not appear to consider how this change will impact the boards in protecting the public. President Shambeck will report to NCEES his concerns.

C. Business/Resolutions

No report given.

c. International Relations

No report given.

d. Technical and Professional Societies

Mr. Fairfield reported that the American Society of Civil Engineers (ASCE) is promoting the proposal that a Masters Degree be the minimum education level for licensure as a civil engineer.

Mr. Brandow reported that the Structural Engineers Association of California (SEAOC) has begun talks with the Consulting Engineers and Land Surveyors of California (CELSOC).

12. Presidents Report

No report given.

13. Executive Officer's Report

Ms. Christenson presented the list of successful Engineer-in-Training and Land Surveyor-in-Training candidates from the April 1999 examination for review.

1. Fiscal Report

- Executive Summary Report - Ms. Christenson reported on the Executive Summary report. She stated that there is an approximate increase of 20% in the numbers of professional applications received from 1998 to 1999.

2. Personnel
 - a. New Hires and Vacancies
Ms. Christenson reported that there are three staff vacancies at the Board. Two of the vacancies are rank and file positions and one is supervisory. All positions are currently being advertised.
3. Enforcement/Examinations/Licensing
 - a. Enforcement Unit – Ms. Christenson reported that the Enforcement Unit is working to get “old” cases completed. The Enforcement Unit is considering overtime to get through these cases.
 - b. Examination Unit – Ms. Christenson reported that staff is performing a workload study on the impact of writing the questions and printing for the Geotechnical and Structural examinations. She also stated that they have requested a half-time position in the Examination Unit to assist with the workload as a result of these new responsibilities.
 - c. Licensing – Ms. Christenson stated that July 23, 1999, is the final filing date for PE applications, and staff is continuously monitoring the Applicant Tracking System (ATS) used to process all applications. While ATS provides more reports and statistics with respect to applications, it requires more data entry than the Board’s previous system. Personnel time to enter data in ATS is being evaluated.
4. Publications/Website
 - a. Fall Bulletin – Ms. Christenson reported that she will be sending a memorandum to all Board members within the next week requesting input regarding the articles to be included in the next issue.
 - b. Website
Ms. Christenson reported that disciplinary actions are now available on the website.
 - c. WEB look-up project
Ms. Christenson reported that Board staff has received positive feedback regarding our WEB look-up site.
5. Other – DCA update
No update.

14. Committee Reports

- a. Examinations/Qualifications
 1. Report on July 22, 1999 Committee Meeting.
Ms. Safran reported on the July 22, 1999 Committee meeting.
 2. Professional Land Surveyor Examination – Alternative Formats and Future Direction.
Ms. Safran reported that Mr. Shambeck gave an overview of the Alternative Formats prepared by Dr. Raymond Bradley, from PMES, at the July 22, 1999 Committee Meeting.

3. Proposed Amendment Board Rule 424 and Proposed Adoption of Board Rule 425 (Experience Requirements)
Ms. Safran reported that the Committee has referred both Rules to the CETAC for review.
- b. Administrative
 1. Report on the July 22, 1999 Committee Meeting
Ms. Lyon reported on the July 22, 1999 Committee meeting.
 2. Administrative Update
 - a. Fund Condition
 - b. 1998/1999 & 1999/2000 Budgets
 - c. Outreach Efforts
Ms. Lyon reported on the fund condition, 1998/1999 & 1999/2000 budget and Outreach efforts.
 - c. Legislative
 1. Report on the July 22, 1999 Committee Meeting
Mr. Brandow reported on the July 22, 1999 Committee meeting.
 2. Legislation for 1999/200 Legislative Session, including but not limited to: AB 86 (McClintock), AB 486 (Wayne), AB 688 (Steinberg), AB 1096 (Romero), AB 1234 (Shelly), AB 1312 (Machado), AB 1341 (Granlund), AB 342 (Granlund), SB 129 (Peace), SB 191 (Knight), SB 1216 (Hughes), SB 1306 (Sen. Comm. on Bus. & Prof.), SB 1307 (Sen. Comm.on Bus. & Prof.), and others.

MOTION: Mr. Brandow/Mr. Vu moved to take the following positions on the following bills:
AB 486 – Support
SB 129 – Opposed Unless Amended

VOTE: 13-0, motion carried

 3. Sunset Process and Related Legislative Action.
Mr. Brandow reported that Board staff is continuing to work on Sunset Report related work, and the hearing will schedule in the fall of 1999. - d. Enforcement
 1. Report on the July 22, 1999 Committee Meeting
Mr. Foley reported on the July 22, 1999 meeting.
 2. Reconsideration of Board Administrative Disciplinary Decisions After They Become Final.
Mr. Foley reported on the legal opinion from DAG, Susan Ruff.

15. APPROVAL OF BOARD TRAVEL

MOTION: Mr. Vu/Mr. Fairfield moved to give Mr. Shambeck authority to travel to Clemson, South Carolina, to attend the NCEES standard setting in December/January 1999/2000.

VOTE: 13-0, Motion carried.

16. OTHER ITEMS NOT REQUIRING BOARD ACTION

The next Board Meeting will be held on September 16 & 17, 1999, at the Ramada Ltd, San Diego, CA.. There were no other items not requiring Board action.

17. ADJOURN

The meeting adjourned at 2:15 p.m.

Attachment A – Public Attendees

Rich Ray	CLSA
Joyce Hirano	Cal Trans
Richard Markuson	CELSOC
Bob Buckley	Cal Trans
R.H. Hamstra Jr.	PATCA
Dean Suzuki	Professional Publications, Inc.